



MEMO ENDORSED

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

January 23, 2023

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Re: ASMedia's Motion to Seal
Bell Semiconductor, LLC v. ASMedia Technology, Inc., 1:22-cv-09260-VEC

Dear Judge Caproni,

This firm represents Defendant ASMedia Technology, Inc. in the above-referenced action. ASMedia respectfully requests the Court's file redacted versions of ASMedia's Memorandum of Law in Support of its Motion to Dismiss and its accompanying Declaration of Mr. Jerry Wang. At the time of this filing, Bell stated it was reviewing ASMedia's redaction request.

Redaction is appropriate because these documents include "sensitive commercial information[.]" *PDV Sweeny, Inc. v. ConocoPhillips Co.*, No. 14-cv-5183 AJN, 2014 WL 4973916, at *3 (S.D.N.Y. Oct. 6, 2014). Specifically, the Memorandum and support Declaration reference specific units sales information and a specific customer of ASMedia for those unit sales. There is a significant risk that third parties would use the sensitive commercial information contained therein to compete with ASMedia. *Gelb v. Am. Tel & Tel. Co.*, 813 F. Supp. 1022, 1035 (S.D.N.Y. 1993) (stating that "defendants' assertion that its competitors . . . could use [the information] to do competitive injury to the defendants is . . . a sufficient basis" for sealing). The competitive injury to ASMedia would be permanent. Thus, the requested redaction is necessary to protect ASMedia's confidential business information. *See Nixon v. Warner Commc'nns, Inc.*, 435 U.S. 589, 598 (1978) (noting that courts often seal "sources of business information that might harm a litigant's competitive strategy").

Pursuant to this Court's Individual Rules of Practice, the Court's standing order at 19-mc-00583, and ECF Rules & Instructions at section 6, ASMedia is separately filing highlighted versions of the Memorandum and supporting Declaration showing the proposed redactions, along with redacted versions of the same.

Respectfully,

Chris R. Schmidt

Plaintiff must file any response to Defendant's request not later than
Wednesday, January 25, 2023.

SO ORDERED.


01/24/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE